IN THE HIGH COURT OF UTTARANCHAL
AT NAINTIAL

Criminal Misc. Application No. 656 of 2006

Promod Kumar Sharma
S/o Late Sri Shiv Narain Sharma
R/o Tota Naga Near A.R.T.O. Office Mathura
District Mathura .....Applicants

Vs

1. State of Uttaranchal and 3 others .....Opp. Parties

Sri Chandramauli Shah, learned counsel for the petitioner.
Learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the applicant/petitioner who is facing trial in Criminal Case No. 123 of 2005 State Vs. Promod Kumar Sharma under Sections 420, 467, 468, 471 I.P.C. pending in the court Civil Judge (J.D.)/Judicial Magistrate, Laksar, District Haridwar.

2. Brief facts giving rise to this petition are that the First Information Report was lodged against the petitioner for the offence under Sections 420, 409, 465, 467, 469 and 471 I.P.C. The police investigated the matter and therefore chargesheet was submitted against the petitioner on 07.04.2006. The petitioner has thus filed this petition for quashing the entire proceedings of the above mentioned criminal case.

3. Heard Sri Chandramauli Shah, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioner, I am of the view that there is no abuse of process of court in this case. I am not

supposed to embark upon an enquiry with regard to the credibility of the evidence, at this stage. Any judgment rendered by me would amount to premature judgment, especially under the circumstances where the evidence is yet to be adduced before the court concerned.

5. I do not find any ground for quashing the criminal proceedings at this state. Therefore, the petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr. P.C. is dismissed.

10.08.2006 **(B.C. Kandpal, J.)**
ASWAL